

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In re the application of

MAR 16 2005

Takeshi SASAKI et al.

U.S. Serial No. 10/659,301

Group Art Unit: 3743

Filing Date: September 11, 2003

Examiner: T. Mitchell

Title: RESPIRATION CONTROL APPARATUS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty of disclosure under 37 CFR § 1.56, the attached form and document(s) indicate information of which the applicant(s) has/have recently become aware which may be relevant to the above-identified application.

The information is in the form of references that have been cited in a corresponding Office Action from the Japanese Patent Office (JPO), dated January 25, 2005, as a foreign counterpart application to the present application.

A copy of the JPO Office Action is enclosed, along with two (2) references cited therein, as follows.

D1 Japanese Laid-open Patent Publication No. 2002-503507 published on February 5, 2002, along with corresponding International Patent Application Publication No. WO99/42034 to serve as a translation thereof.

D2 Japanese Laid-Open Utility Model Publication No. 02-094511 published on July 27, 1990, along with corresponding U.S. Patent No. 5,067,494 to serve as a translation thereof.

The Examiner is requested to indicate consideration of this information by initialing and returning a copy of the Information Disclosure Citation form (PTO-1449) attached herewith.

This information is being submitted before issuance of an Office Action on the merits, and therefore no fees are due. Notwithstanding, should any other fees be considered due in connection with this or any accompanying communication, such fees may be charged to Account No. 07-2519.

Respectfully submitted,



Paul A. Guss
Attorney for Applicants
Reg. No. 33,099

CS-27-030911
775 S. 23rd St. #2
Arlington, VA 22202
(703) 486-2710

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07/31/2008. GPO: 0001483.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/659,301
Filing Date	September 11, 2003
First Named Inventor	Takeshi SASAKI et al
Art Unit	3743
Examiner Name	T. Mitchell
Attorney Docket Number	CS-27-030911

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. *Applicant is to place a check mark here if English language transcription is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND ALL COMMENTS OR REQUESTS FOR INFORMATION TO: U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
No a collection of information unless it contains a valid OMB control number.

PTQ/SB/08A (08-03)

Substitute for Form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/659,301
		Filing Date	September 11, 2003
		First Named Inventor	Takeshi SASAKI et al
		Art Unit	3743
		Examiner Name	T. Mitchell
		Attorney Docket Number	CS-27-030911
Sheet	1	of	1

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (# known)	MM-DD-YYYY		T ⁶
		JP 2002-503507	02-05-2002		✓
		JP 2-94511	07-27-1990		✓
		WO 99/42034	08-26-1999		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ***Applicant's unique citation designation number (optional).** ***See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.** ***Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).** ***For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.** ***Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.** ***Applicant is to place a check mark here if English language Translation is attached.**

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Mailing No. 014510

Reference No. PCV16746AN

Mailing Date: January 25, 2005

Cited Reference(s)

D1: Japanese Laid-Open Patent Publication No. 2002-503507

D2: Japanese Utility Model Application No. 02-000505

(Japanese Utility Model Publication No. 02-094511)

Examiner's Statement

**Claims 1-9 are rejected in view of references D1 and D2
for lack of inventive step.**

Prior Art made of record

Searched Field:

IPC 7 A61M16/00

整理番号 PCV16746AN

発送番号 014510 1/
発送日 平成17年 1月25日

特許出願理由通知書



特許出願の番号 特願2002-270054

起案日 平成17年 1月14日

特許庁審査官 門前 浩一 8723 3E00

特許出願人代理人 千葉 剛宏 (外 1名) 様

適用条文 第29条第2項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理由

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることことができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

・請求項1-9

引用文献等1, 2

[備考]

引用文献1には、サイプレス時に撮影を行う点が記載されている。また、引用文献1に記載されたベンチレータも本願各請求項に記載された弁等を有すると認められる。

また、引用文献2には閉塞部材を設ける点が記載されている。

引用文献等一覧

1. 特表2002-503507号公報
2. 実願平02-000505号 (実開平02-094511号) のマイクロフィルム

先行技術文献調査結果の記録

・調査した分野 IPC第7版 A61M16/00

整理番号 PCV16746AN

発送番号 014510 2/E
発送日 平成17年 1月25日

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら下記までご連絡下さい。

特許審査第二部福祉・サービス機器

門前（モンゼン） 浩一

TEL. 03 (3581) 1101 内線 6395

FAX. 03 (3592) 6876